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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,118	12/21/2001	Robert Harvey Kane	US010688	3122
24737	7590	03/29/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			CONSILVIO, MARK J	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,118

Applicant(s)

KANE, ROBERT HARVEY

Examiner

Mark Consilvio

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

Claims 1-20 are currently pending. Claims 5-20 were previously withdrawn. Claims 1-4 were previously rejected.

Response to Arguments

Applicant's arguments filed 1/29/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, not only can motivation be found in the knowledge generally available to one of ordinary skill in the art, but motivation can also be found in the Hansen reference in par.

42. Hansen teaches:

However, the wire grid polarizer itself presents various challenges. For example, the wire grid can be fragile or susceptible to damage in environments with high humidity, significant air pollution, or other conditions. Thus, it is desirable to protect the wire grid.

Contrary to applicant's argument that "Hansen does not teach or suggest sealing the wire grid to protect it from ambient environmental conditions," one of ordinary skill would clearly recognize from Hansen's teachings that specific sealing solutions would be desired.

The examiner notes that the subject matter of the art statement on page 4 of the Office Action dated 11/1/2005 (specifically, par. 3) has been taken to be admitted prior art since applicant has failed to seasonably traverse the assertion of Official Notice (See MPEP 2144.03).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. (US Patent Application Publication No. 2002/0015135) in view of Hirata et al. (US Patent No. 6,124,979).

With respect to claim 1, Hansen discloses a light polarizing device (200) comprising: a polarizing element (205) having an optically transparent substrate (202), an optically transparent cover sheet (203) sealed to a substrate (202), and an enclosure (207) including a non-reactive atmosphere (e.g. a vacuum) which can be understood to protect the optical element from environmental conditions (fig. 9 and pars. 125-134). While not expressly disclosed, it would be immediately understood by one of ordinary skill that the polarizing elements (205) are corrosion-sensitive, particularly to oxidation, when made from materials such as aluminum, silver, copper or gold (par. 131) and that the vacuum atmosphere would protect the optical elements. Hansen does not expressly disclose the cover sheet seal forms a sealed enclosure surrounding optical element. However, Hirata teaches a corrosion-sensitive polarizing element (8) sealed between

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transparent sheets (81, 82) to protect the corrosion-sensitive polarizer from the ambient environmental conditions (fig. 54 and col. 37, lines 18-34). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Hansen and Hirata to further seal the polarizing element of Hansen in the manner taught by Hirata. One of ordinary skill in the art would have been motivated to do this to protect the sensitive polarizing element from environmental conditions such as a corrosive cooling fluid or the like.

With respect to claim 2, the combination of Hansen and Hirata discloses or suggests all the limitations of claim 1, as stated supra. Additionally, Hansen teaches that the polarizing element (205) includes a wire-grid polarizing element.

With respect to claim 3, the combination of Hansen and Hirata discloses or suggests a light polarizing device comprising: an optically transparent substrate, a corrosion-sensitive polarizing element on the substrate, an optically transparent cover sheet, sealant (83 in fig. 54 of Hirata) extending around the periphery of the device between the substrate and the cover sheet, and non-reactive atmosphere filling the interior space between the substrate and the cover sheet and protecting the corrosion-sensitive polarizing element as stated supra. The references are silent to a plurality of spacers distributed around the periphery of the device and supporting the cover sheet on the substrate above the element. However, the examiner takes Official Notice that spacers used to evenly space substrates are well known in the art. Further, one of ordinary skill would have understood that the spacers on each side would also protect the assembly from damage and allow the sealant to evenly seal the assembly without interfering with the optical transmission of the polarizer. Therefore, for these reasons, at the time the invention was made, it

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would have been obvious to a person of ordinary skill in the art to further provide such spacers around the periphery of the device and supporting the cover sheet on the substrate above the element to the combination stated supra.

With respect to claim 4, the combination of Hansen and Hirata discloses or suggests all the limitations of claim 3, as stated supra. Additionally, Hansen teaches that the polarizing element (205) includes a wire-grid polarizing element.

Conclusion

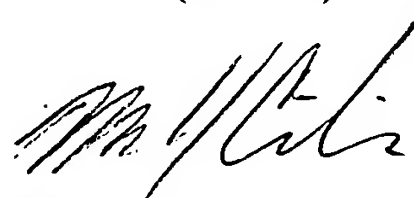
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Consilvio whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Consilvio
USPTO Patent Examiner
Jefferson, 3C21 AU-2872
(571) 272-2453



MARK A. ROBINSON
PRIMARY EXAMINER